

Teri B. Himebaugh, Esq.  
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Schwenksville PA 19473  
(610) 287-0216  
I.D.#53603

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COREY WHITE	:	
Plaintiff	:	
	:	
v.	:	Civil Action No. 02-CV-04066
	:	
CITY OF PHILADELPHIA, et. al. .	:	
	:	
Defendants	:	

**PLAINTIFF'S  
PRETRIAL MEMORANDUM**

**I. STATEMENT OF THE CASE**

On February 6, 2002 Plaintiff, Corey White was at 60<sup>th</sup> Street, between Greenway Avenue and Kingessing Avenue, looking at two bicycles that were for sale. A gray colored car pulled up and a white male jumped out of the car and started to run toward the Plaintiff. Plaintiff fled.

Plaintiff was caught by Defendant, Police Officer Ianaccone. Defendant, Police Officer Blocker then approached Plaintiff with his gun drawn and told Plaintiff that if he moved, he would be shot. Without legal justification or cause, Defendant, Police Officer Ianaccone picked up what was believed to be a shovel from the backyard that they were in and proceeded to strike Plaintiff numerous times with the shovel on Plaintiff's back and head.

To avoid further beating, Plaintiff got up and began to run away from Defendant, Police Officer Ianaccone. Plaintiff ran a short distance into a driveway where he was apprehended by Defendants, Police Officers Roman and McDonald. Defendant, Police Officers Roman and McDonald threw Plaintiff to the ground where they proceeded to beat and kick him. Defendants, Officers Ianaccone and Blocker joined in the beating and kicking of the Plaintiff until Plaintiff lapsed into unconsciousness.

Plaintiff awoke in the emergency room of Misericordia Hospital where he was treated for injuries to his head, back, kidney and ribs. He was also subsequently treated at C.F.C.F. by Prison Health Services for the same injuries as well as for depression.

Plaintiff brought the instant suit pursuant to 42 U.S.C. §1983 and the Fourth and Fourteenth Amendments, alleging unlawful use of excessive force, conspiracy, bystander liability and pendent state law claims for assault and battery.

## **II. PROPOSED STIUPLATED FACTS**

1. On February 6, 2002 Plaintiff, Corey White was at 60<sup>th</sup> Street, between Greenway Avenue and Kingessing Avenue looking at two bicycles that were for sale.
2. A gray colored car pulled up and a white male, Officer Iannacone, jumped out of the car and started to run toward the Plaintiff.
3. Plaintiff fled.
4. Plaintiff was treated after his arrest at Misericordia Hospital for cuts and abrasions.

5. Plaintiff was treated at C.F.C.F. for injuries received during this incident.
6. Officer Iannacone received a small puncture type wound to his hand during the incident, which did not necessitate any loss of work or wages.

### **III. WITNESSES**

#### **Liability**

Corey White  
EB0632  
SCI Retreat  
660 State Rt. 11  
Hunlock Creek, PA 18621-3136

PO Michael Iannacone  
C/o City of Philadelphia Law Department  
1515 Arch St.  
Philadelphia, PA

PO Eric Blocker  
C/o City of Philadelphia Law Department  
1515 Arch St.  
Philadelphia, PA

PO Alfonse Johnson  
C/o City of Philadelphia Law Department  
1515 Arch St.  
Philadelphia, PA

PO Claudia McDonald  
C/o City of Philadelphia Law Department  
1515 Arch St.  
Philadelphia, PA

PO Jose Roman  
C/o City of Philadelphia Law Department  
1515 Arch St.  
Philadelphia, PA

PO Gregory Davis  
C/o City of Philadelphia Law Department  
1515 Arch St.  
Philadelphia, PA

PO Brenda Harrison  
Detaining Unit- Southwest CCTV (55<sup>th</sup> and Pine)

Jason Milner FH8460  
SCI Retreat  
660 State Rt. 11  
Hunlock Creek PA 18621

**Damages**

Corey White (Plaintiff)  
EB0632  
SCI Retreat  
660 State Rt. 11  
Hunlock Creek, PA 18621-3136

William Hodges  
Department of Probation and Parole  
State Office Bld.  
Broad and Spring Garden Sts.  
Philadelphia, PA

Custodian of Records CFCF (if necessary)

Custodian of Records Philadelphia Police Department (if necessary)

Teresa Garrity, RN. (if necessary)  
Mercy Hospital Emergency Room

**IV. EXHIBITS**

P1 Photo of location of incident  
P2 Photo of location of incident  
P3 Photo of location of incident  
P4 Photo of location of incident  
P5 Photo of location of incident  
P6 Phil. Police Dept. photo of Plaintiff  
P7 CFCF Photo of Plaintiff  
P8 CFCF Intake Medical Screening of Plaintiff 2/9/02  
P9 Prison Health Services Medical Records  
P10 Mercy Hospital Records  
P11 a-g Sick Call Slips  
P12 Detainees Medical Checklist  
P13 Affidavit of Jason Milner  
P14 Letter from Jason Milner  
P15 a-e 75-48s 2/6/02  
P16 Phil. Police Dept. Arrest Report 1/30/02  
P17 Phil. Police Dept. Arrest Report 2/6/02  
P18 Investigation Interview Record Iannacone  
P19 Investigation Interview Record Blocker

P20 Investigation Interview Record Roman  
P21 Investigation Interview Record McDonald  
P22 Investigation Interview Record Johnson  
P23 CAD Report  
P24 Temple University Records for Iannacone  
P25 a-e Photos of Blocker and Iannocone  
P26 Injured Officer Photograph Request Form Iannacone  
P27 Injured Officer Photograph Request Form Blocker

**V. DAMAGES**

Plaintiff sustained cuts, abrasions and bruises to the back of his head, his face, knees, back, ribs, hip and body, which required treatment and regular administration of medications. While he has since recovered from most of these injuries, his ribs continue to cause him pain. He additionally has a permanent scar under his eye from being struck there by Defendants during this incident. He also continues to suffer from emotional distress and depression from this incident.

**VI. ANTICIPATED PRE-TRIAL ISSUES**

Plaintiff files contemporaneously with the instant Pretrial Memorandum, his Motion in Limine.

It is also anticipated that a "bring down" Order will be needed to be issued for Jason Milner FH8460, who is a witness who is currently incarcerated at SCI Retreat.

**V. LENGTH OF TRIAL**

Plaintiff estimates that trial will last approximately 3-4 days.

Respectfully submitted,

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TERI B. HIMEBAUGH, ESQ  
ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he/she has served a copy of Plaintiff's Pretrial Memorandum by first class mail, this 6th day of April, 2004 upon the following:

United States District Court  
Eastern District of Pennsylvania  
601 Market Street  
Philadelphia, PA 19107

Peter Han, Esq.  
City of Philadelphia Law Department  
1515 Arch St. 14<sup>th</sup> Fl.  
Philadelphia, PA 19102

Corey White EB0632  
SCI Retreat  
660 State Rt. 11  
Hunlock Creek, PA 18621-3136

BY: \_\_\_\_\_  
Teri B. Himebaugh, Esq.